STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of KAYLA JEANE SMITH, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TAMMY SMITH,

Respondent-Appellant.

UNPUBLISHED
October 3, 2000

No. 221878
Oakland Circuit Court
Family Division
LC No. 97-063038-NA

Before: Collins, P.J., and Jansen and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right from a family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(c)(i) and (g). We affirm.

Initially, we find no merit to the minor child's argument that this Court lacks jurisdiction over this appeal because respondent did not timely file her request for the appointment of appellate counsel. MCR 5.974(H)(2) authorizes the family court to grant an untimely request for the appointment of counsel in the interest of justice. Thus, as a matter of law, the trial court had the authority to grant respondent's untimely request for appellate counsel. Because the claim of appeal was filed within twenty-one days after the order appointing appellate counsel, it was timely under MCR 7.204(A)(1) to properly invoke this Court's jurisdiction.

The family court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence amply demonstrated that respondent was offered a reasonable amount of time and assistance to address the goals of her treatment plan, but failed to make the necessary progress. Further, in light of respondent's history of mental illness and refusal to consistently take her medication, the trial court did not clearly err in finding that respondent was not reasonably likely to make the progress necessary to enable her to parent her child within a reasonable period of time. Further, it is

apparent that the court's decision was not based on speculation about respondent's condition, nor did the court give undue weight to the opinion testimony of the caseworker.

We also conclude that petitioner made reasonable efforts to reunite respondent with her child and that appropriate services were offered. Because respondent was offered both anger management counseling and parenting classes through the clinic that was treating her mental illness, separate referrals for these services were unnecessary. Petitioner's decision not to offer in-home visits was not inappropriate because respondent did not demonstrate the necessary stability for such visits. Respondent was otherwise offered the chance to demonstrate her parenting skills in supervised visits at the agency. Also, there was insufficient time to schedule make-up visits before visitation was ultimately suspended. Lastly, the caseworker did not improperly bring up the topic of adoption with the foster parents. Rather, it was respondent who posed that question to the foster parents.

Further, the evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 354; ___ NW2d ___ (2000).

Respondent also challenges two evidentiary rulings made by the trial court. However, those arguments have not been properly presented on appeal because respondent did not include them in her statement of the questions presented and, therefore, appellate review is inappropriate. *Wallad v Access BIDCO, Inc*, 236 Mich App 303, 309; 600 NW2d 664 (1999).

Affirmed.

/s/ Jeffrey G. Collins
/s/ Kathleen Jansen
/s/ Brian K. Zahra